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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,192	07/27/2001	Timothy Dawson	46918/DBP/M521	9619
23363	7590	09/02/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			REDMAN, JERRY E	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

3634

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/917,192

**Applicant(s)**

DAWSON, TIMOTHY

**Examiner**

Jerry Redman

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The status of the claims is as follows:

Claims 15-22 have been cancelled; and

Claims 1-14 and 23-33 are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 14, and 23-33 are further rejected under 35 U.S.C. 102(e) as being anticipated by Whitehead et al. As shown in Figures 3 and 4, Whitehead discloses a door module comprising a substantially rigid portion (34 formed of hard plastic, polypropylene, i.e. these plastics have long fibers/staple glass fibers, column 3, line 48), a substantially elastic portion (20, expanded polypropylene, i.e., short fibers), a seal lip (142) or lips (28) having a "drip ledge" (the upper portion of extension 24/124), fasteners attached thereto (column 3, line 7), and attachment means (hollow portion 32 and the sealing that surrounds the hollow portion or extension clip rod attachments seen in Figure 2) for attaching noise reduction elements.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:


(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. in view of Eckhardt et al. All of the elements of the instant invention are discussed in detail above except providing the glass fiber portion between 30-70%, 40%, having a length of about 20mm and a thickness of .02mm. Eckhardt et al. disclose a door module part formed of plastic glass fibers by 30% weight (column 5, line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rigid portion of the door module of Whitehead et al. with glass fibers by 30-70% or approximately 40% weight as taught by Eckhardt et al. since the approximate percentage of glass fibers provides for a stronger and less expensive plastic. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the glass fibers of Whitehead to have a length of 20mm and thickness of .02mm since smaller glass fibers increase the strength of the plastic and one of ordinary skill in the art would maximize the strength and costs to manufacture verses the size of the glass fiber when forming the final plastic product.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Internet article titled "DuPont Polymer Modifiers" discloses short and long fibers in expanded polypropylene similar to that of the applicant's invention and to that of Whitehead et al.

The applicant's arguments have been considered but are not deemed persuasive. It is well known in the art that hard or dense plastic (polypropylene) have long glass fibers and that less hard/dense, or elastic plastic (polypropylene) has short glass fibers or no fibers because of the desire to provide some flexibility to the plastic. The question is what is meant by "the same plastic". Does the same plastic mean that the plastic is formed of polypropylene? Does the same plastic mean that the plastic is formed of polypropylene have fibers? And if so, are these fibers long fibers, short fibers, or is the plastic free from fibers? Can two pieces of polypropylene plastic be bonded together to form a single plastic and are therefore of the "same plastic"? Currently, the applicant is relying on the premise that a single piece of polypropylene plastic has a portion with long glass fibers and a portion free of long glass fibers (either no fibers or short glass fibers)

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.

  
**Jerry Redman**  
**Primary Examiner**